

## COMMITTEE ON BILLS ON SECOND READING

**November 20, 2006**

**5:00 PM**

In the absence of Aldermen Duval, City Clerk Bernier called the meeting to order.

On motion of Alderman Lopez, duly seconded by Alderman Garrity, it was voted to elect Alderman Gatsas Chairman Pro Tem.

The Clerk called the roll.

Present: Aldermen Lopez, Gatsas, Garrity, Pinard

Absent: Alderman Duval

### 3. Ordinances:

“Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.048 (Advancements Within Pay Range) of the Code of Ordinances of the City of Manchester.”

Alderman Lopez asked if he was reading this correctly, from the old ordinance that an employee could possibly just loose his job, from the old to the new.

Virginia Lamberton, Human Resources Director, stated I didn't understand your question.

Alderman Lopez stated under the old ordinance serve in a lower position without promotion and now if such position is available. Is there a person goes for a job, he can't make the job under the old ordinance he could get a lower position.

Ms. Lamberton responded I think if you look at section 3 it says the same thing at the bottom it says...

Alderman Lopez stated or if such a position is available.

Ms. Lamberton responded right, well that would have been the case before as well.

Alderman Lopez stated it doesn't say that in mine.

Ms. Lamberton stated first of all if somebody was on what you would call a promotional probationary period, and they were not doing well, you would try to work with them. And frankly, you would start progressive discipline more likely than not. So then it would be up to the employee to seek alternative employment if that didn't happen, it depends what the circumstances are. If you promote somebody to be a supervisor and they are abusive to people that's quite different than if they just unable to do the work and so it's approached differently. But you just can put them out the door because they would have access to the personnel appeals board or an arbitrator so you have to do things properly. No matter what the circumstances are you have to do them properly.

Alderman Lopez asked if Mr. Thomas could come up cause he has people in this category and I want to know what he does.

Frank Thomas, Public Works Director, came forward.

Alderman Lopez stated let's take somebody that's on the garbage truck, and you move him to a position from picking up the garbage to another position and six months later you say you are not cutting it going to put you back. So now what do you do, do you get rid of somebody for his position or does he loose his job.

Mr. Thomas responded we would move him down but if his position has been filled permanently we would have to find him another position or potentially he would loose his job.

Alderman Lopez stated unless I'm reading this wrong the former position is available. So you hired someone to replace him on the garbage truck, there no position for him, he can't perform the duty that you gave him maybe it was too much for him, whatever the case may be. How are we going to get him back or does he just loose his job.

Ms. Lamberton stated it just depends on the circumstances. You can't possibly write an ordinance that is going to cover all types of human behaviors and employment problems. That's why it is written the way it is written, that if possible you can return them to the former level of what they were working at. You are not going to lay somebody else off who's doing a really great job at the other level if you have somebody here, you might work with another department, you might keep him a little bit longer in the promotional period until you have a vacancy. It just depends on the circumstances and the former language said the same thing. This isn't a big change, I just changed how it was written because it

was confusing how it was written, it was all gobble-de-gook and it mixed merit steps in with the probationary period that's why there is two separate ordinances here one is dealing specifically with probationary periods and one's dealing with merit step increases.

Alderman Lopez stated I understand that and I do respect what you are saying. He would have been entitled had he continued to serve in such lower position without promotion. The new proposed language is saying all efforts will be made to return said employee to his former position if such position is available. I'm trying to understand if you already hired somebody as a department head, the guy can't cut the mustard, and you said that you would find him something at a lower level. Is that increase the compliment.

Ms. Lamberton responded, no that would not increase the compliment.

Alderman Garrity stated this is not something that is in the contracts, probationary period.

Ms. Lamberton responded yes, in the contracts they have probationary periods and the language for the twelve months and the six months mimics that language. Most of the contracts for affiliated employees do not provide for an extended probationary period. Extended probationary periods was passed by the board for non-affiliated employees a couple years ago. Because we ran into problems it's either can we extend it or fire you and our preference is to work with you and continue you going. In some of the bargaining units the reps have agreed to that, and said ok even though it is not in the contract. A couple of reps have said no and unfortunately the employee has been let go.

Alderman Garrity moved to approve the ordinances and recommend they ought to pass. Alderman Pinard seconded the motion. There being none opposed the motion carried.

## **ADDENDUM ITEM**

Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding sections and changing language to 70.06, 70.48 and 70.78 providing for Pay and Display Meters, Procedures, Enforcement and Penalties.”

Deputy City Clerk Johnson advised that the ordinance before them was amended by the Board to reflect a basic penalty of \$10 and 7 days \$20.

On motion of Alderman Pinard, duly seconded by Alderman Lopez, it was voted to recommend that the Ordinance ought to pass and lay over in accordance with Rule 18 as previously amended.

### **TABLED ITEM**

On motion of Alderman Garrity, duly seconded by Alderman Lopez it was voted to remove the following item from the table for discussion.

4. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

*(Tabled 08/21/2006)*

On motion of Alderman Garrity, duly seconded by Alderman Pinard it was voted to hold discussion on this item.

Kevin Shepard, Deputy Public Works Director, address the committee stating as requested by the aldermen this is one of the ordinances that was brought forward to the Board of Mayor and Aldermen probably about a month or month and half ago. We met with the residents of this area, this is the landfill ground water management zone after the hearing that was before the board. We sent out a notice to all residents that would be affected by the zone which is approximately 80 residents. We held a public hearing. Alderman Forest was in attendance. Approximately 22 residents attended the meeting. The meeting went very well we discussed what the landfill ground water management zone entails. We explained what is going on our landfill is closed. By state requirement as part of our ground water management permit we are required to create this zone. The residents understood that. As you can see I believe the last page in the agenda is an e-mail from one of the residents who responded back to us or e-mailed us and Alderman Forest letting us know they were very satisfied at least from what he had gotten out of the meeting that the meeting went very well and there is no further questions that we understand. We have opened the line of communication with

the residents down there should they have any further questions so our request is to move this forward.

Alderman Garrity moved to recommend the ordinance ought to pass. Alderman Pinard seconded the motion. There being none opposed the motion carried.

There being no further business to come before the committee, on motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk